

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Laura and Barry Paripsky

(b) County of Residence of First Listed Plaintiff Montgomery
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Matthew B. Weisberg, Esquire (610-690-0801)
Prochniak Weisberg, P.C.
7 South Morton Avenue
Morton, PA 19070

DEFENDANTS
See attached sheet

County of Residence of First Listed Defendant San Antonio, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
Courtney Seda McDonnell, Esquire (610-337-2087)
McDonnell & Associates, P.C.
601 S. Henderson Road, Suite 152
King of Prussia, PA 19406

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☒ 1 U.S. Government Plaintiff

☐ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES(Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 424 Copyrights	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 426 Appeal 28 USC 159	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 427 Withdrawal 28 USC 161	<input type="checkbox"/> 866 RSI (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 428 Withdrawal 28 USC 162	<input type="checkbox"/> 867 RSI (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 429 Withdrawal 28 USC 163	<input type="checkbox"/> 868 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 430 Withdrawal 28 USC 164	<input type="checkbox"/> 869 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 431 Withdrawal 28 USC 165	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			<input type="checkbox"/> 432 Withdrawal 28 USC 166	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 447 Other Civil Rights			<input type="checkbox"/> 433 Withdrawal 28 USC 167		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 434 Withdrawal 28 USC 168		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 435 Withdrawal 28 USC 169		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice

7. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

8. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1441
Brief description of cause:
N/A

9. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ In excess of \$50,000.00
CHECK YES only if demanded in complaint:
JURY ☒ Yes ☐ No

10. RELATED CASE(S) IF ANY (See instructions):
JUDGE _____ DOCKET NUMBER _____

DATE 6/7/07
SIGNATURE OF ATTORNEY OF RECORD
Courtney Seda McDonnell
FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CIVIL COVER SHEET
(Attachment)

APPENDIX H

DEFENDANTS

AMERICAN CELLULAR NETWORK CO.,

d/b/a Cingular Wireless,

and

ATLANTIC WIRELESS GROUP, INC.,

c/o Corporation Service Company PA

d/b/a Cingular Wireless,

and

DELAWARE VALLEY PCS COMMUNICATORS, LLC

d/b/a Cingular Wireless,

and

AT&T, INC.

s/i/i/t Cingular Wireless

77.001

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAURA and BARRY PARIPSKY, h/w	:	CIVIL ACTION - LAW
	:	
v.	:	
	:	NO.
AMERICAN CELLULAR NETWORK CO.,	:	
d/b/a Cingular Wireless,	:	
and	:	
ATLANTIC WIRELESS GROUP, INC.,	:	
c/o Corporation Service Company PA	:	
d/b/a Cingular Wireless,	:	
and	:	
DELAWARE VALLEY PCS COMMUNICATORS, LLC	:	
d/b/a Cingular Wireless,	:	
and	:	
AT&T, INC.	:	
s/i/i/t Cingular Wireless	:	JURY TRIAL DEMANDED

DEFENDANT, AT&T, INC.'S, NOTICE OF REMOVAL

Defendant, AT&T, Inc. incorrectly designated as American Cellular Network Co., d/b/a Cingular Wireless, Delaware Valley PCS Communicators, LLC d/b/a Cingular Wireless and AT&T, Inc., s/i/i/t Cingular Wireless (hereinafter "AT&T"), by and through its undersigned attorneys, gives Notice of the Removal to this Court of a state civil action pending in the Court of Common Pleas of Montgomery County, Pennsylvania pursuant to 28 U.S.C. §1441(a) and (b) and in support thereof avers as follows:

1. A Civil Action has been brought against AT&T via Complaint by the Plaintiffs and is pending in the Court of Common Pleas of Montgomery County at docket No. 07-09741. A copy of Plaintiffs' Complaint is attached hereto and marked as Exhibit "A".

2. The State Court wherein this action was originally filed is located in Montgomery County, Pennsylvania, which is embraced within this jurisdictional district.

3. Removal from the Montgomery Court of Common Pleas is proper under 28 U.S.C. §1441(a) and (b), which authorizes the removal of any civil action of which the District Courts of the United States has original jurisdiction and if "none of the parties in interest properly joined and served as a defendant is a citizen of the state in which such action is brought.

4. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000.00 as set forth below.

5. Plaintiffs allege that they are citizens of the Commonwealth of Pennsylvania and reside at 187 Camp Meeting Road, Willow Grove, PA 19090.

6. American Cellular Network Co., d/b/a Cingular Wireless no longer exists as a corporate entity. The new corporate entity is New Cingular Wireless, PCS, LLC which is wholly owned by AT & T.

7. Delaware Valley PCS Communicators, LLC merged with American Cellular Network in 2002, and no longer exist as a corporate entity. American Cellular Network merged with New Cingular Wireless, PCS, LLC which is wholly owned by AT&T.

8. AT&T is a Delaware corporation with a principal place of business in San Antonio, Texas.

9. Upon information and belief, Atlantic Wireless Group is a New Jersey corporation with a principal place of business in New Jersey.

10. Atlantic Wireless Group has consented to removal of this case to the United States District Court for the Eastern District of Pennsylvania. See Exhibit "B".

11. AT&T was served with a copy of the Complaint on or about May 10, 2007 for an accident that occurred at the Willow Grove Naval Air Station. This Notice of Removal is filed within thirty (30) days of service of the Complaint.

12. Plaintiff Laura Paripsky, alleges that she suffered serious and permanent injuries to her left eye including a retinal tear, traumatic episcleritis, microhyphema, bruising of the lower lid, laceration on the upper lid, floaters, laser surgery, and various other injuries as a result of being struck in the eye. Plaintiff alleged damages in excess of \$50,000.00. See Exhibit A.

13. Plaintiff husband is making a loss of consortium claim and has also alleged damages in excess of \$50,000.

14. On May 30, 2007, AT&T sent correspondence to Plaintiffs requesting that they stipulate to damages of less than \$75,000 to avoid removal of this action to the United States District Court for the Eastern District of Pennsylvania. See Exhibit "C".

15. On June 6, 2007, counsel for AT&T called Plaintiffs' counsel to determine whether Plaintiffs were agreeable to stipulating to damages of less than \$75,000. Plaintiffs' counsel has not returned our call, nor has he returned the executed stipulation to limit damages.

16. Consequently, AT&T has a good faith belief that Plaintiffs are seeking damages in excess of \$75,000.

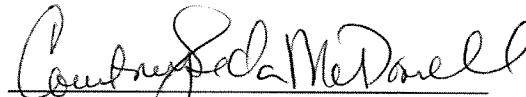
17. Based on the foregoing, the requirements of 28 U.S.C. §1441(a) and (b) and 1332 have been satisfied and the within matter is properly removable.

WHEREFORE, Defendant, respectfully requests that the State Action be removed from the Court of Common Pleas of Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

McDONNELL & ASSOCIATES, P.C.

Dated: June 7, 2007

By:



Courtney Seda McDonnell, Esquire
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*Attorneys for Defendant
AT&T, Inc.*

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAURA and BARRY PARIPSKY, h/w	:	CIVIL ACTION - LAW
	:	
v.	:	
	:	NO.
AMERICAN CELLULAR NETWORK CO.,	:	
d/b/a Cingular Wireless,	:	
and	:	
ATLANTIC WIRELESS GROUP, INC.,	:	
c/o Corporation Service Company PA	:	
d/b/a Cingular Wireless,	:	
and	:	
DELAWARE VALLEY PCS COMMUNICATORS, LLC	:	
d/b/a Cingular Wireless,	:	
and	:	
AT&T, INC.	:	
s/i/i/t Cingular Wireless	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Courtney Seda McDonnell, Esquire hereby certify that a true and correct copy of Defendant, AT&T, Inc.'s Notice of Removal was served via first class mail, postage prepaid on June 8, 2007 to the counsel below named:

Matthew B. Weisberg, Esquire
Prochniak Weisberg, P.C.
7 South Morton Avenue
Morton, PA 19070

Robert J. Siegel, Esquire
Kennedy, Lipski & McDade
1818 Market Street, Suite 2510
Philadelphia, PA 19103

MCDONNELL & ASSOCIATES, P.C.

Dated: June 8, 2007

By:



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AT&T, Inc.*